

**West Mojave Plan
Task Group 1
Green Tree Inn, Victorville
March 21, 2002**

Attendees

Name	Representing	Name	Representing
Ileene Anderson	CA Native Plant Soc.	David Matthews	Public
Chuck Bell	MD Res. Con. Dist.	James McCrea	City of Ridgecrest
Marie Brashear	CDC, WRA, SPCW	Tonya Moore	Caltrans
Jackie Campo	VictorvilleIM	Steven Morgan	City of Ridgecrest
Paul Condon	Consultant	Alan Pickard	CDFG
Clarence Everly	Dept. of Army	Tim Read	BLM Barstow
Jeri Ferguson	Cal 4-Wheel Drive	Bob Sackett	Desert Vipers MC
John Hamill	Dept of Interior	Jim Schroeter	California City
Gerry Hillier	S.B. County/Quad St.	Randy Scott	S.B. County/Planning
Manuel Joia	Marine Corps-NEBO	Robert Smith	S.B. County/BOS
Rebecca Jones	CDFG	Robert Strub	Trona
Peter Kiriakos	Sierra Club	Barbara Veale	People for the USA
Paul Kober	CORVA	Hector Villalobos	BLM Ridgecrest
Gene Kulesza	TXI	Darrell Wong	CDFG
Laurie Lile	City of Palmdale		

West Mojave Team: Bill Haigh, Larry LaPre, Valery Pilmer.

Introduction

Bill Haigh opened the meeting at 1:10 P.M. and introductions were made.

Haigh asked the group to review the March 6, 2002 meeting notes and e-mail any corrections to him. He noted that the calendar page for the West Mojave Plan website has been updated. The rest of the site will be updated as soon as possible. Haigh received a request to add the name of the organization an individual represents to the meeting notes. The group voiced no objections to this change.

Haigh suggested that the April 8, 2002 meeting be moved to April 16, 2002, to allow staff an

additional week to prepare necessary supporting documents. He proposed that the Supergroup meeting, previously scheduled for April 16, 2002, be moved to April 30, 2002. The group concurred. Haigh also noted that a tentative date has been set for May 18, 2002 for the Desert Advisory Council to review the West Mojave Plan. Paul Kober asked whether the presentation on headstarting would occur on April 16th, and Haigh assured him that it would, depending on the availability of Dr. Morafka.

Haigh indicated that there will be no discussion of the Rand ACEC today since staff needs more information on the situation. Haigh stated that he is still targeting mid-April for release of the amended NOI, with scoping meetings to follow in May.

Haigh stated that the threats analysis prepared by Dr. Boarman has been peer reviewed and updated and should be posted on the West Mojave website in about two weeks.

Gerry Hillier asked about a January 30, 2002 memo from the Council on Environmental Quality regarding cooperating agencies. Hillier indicated that San Bernardino County may request that the BLM extend cooperating agency status to the county. Haigh indicated he had not seen the memo. Hillier supplied a copy for staff to review, and noted that overall program guidance for this has not yet been set.

Paul Kober asked for a general statement on what is happening in the Rand Mountains. Haigh stated that the Rand Mountains are located within a corner of a DWMA, and a recreation and general management plan was prepared for the ACEC and surrounding area several years ago. The biological opinion for the management plan contained a clause that said if a certain threshold is triggered in regards to compliance, then there would be a closure of routes in the Rand ACEC. The Center for Biological Diversity has claimed that this threshold has been triggered, and the BLM has agreed to an interim route closure in the ACEC. The court still needs to approve this agreement. Jeri Ferguson asked whether the agreement could be published on the website when it is approved by the court. Paul Kober indicated that this is not what he understands the agreement to say.

Dave Matthews noted that there is a Ridgecrest Steering Committee meeting next week at the BLM Ridgecrest office.

Multi-Species: Mojave River Bioregion

Larry LaPre referenced the hand-out entitled "Putting it all Together" and provided an overview of that document. LaPre noted that conservation in the Mojave River bioregion is very complicated and includes water agencies that are not signatory to the 1992 West Mojave Plan memorandum of agreement. LaPre indicated that he has tried to keep the plan for this area as simple as possible. He identified two major habitat areas: 1) riparian woodland, located primarily in the upper reaches of the river, and 2) blowsand areas located along the dry part of the river, primarily east of Barstow.

For the riparian woodland area, LaPre noted that there is uncertainty about the ability of the Plan to ensure groundwater levels necessary to maintain the vegetation. LaPre indicated that he is recommending a criteria based approach to this issue. The criterion calls for maintaining groundwater levels at five specified monitoring wells. (The groundwater levels needed to keep the vegetation alive were determined through studies conducted by the United States Geological Survey.) If the criterion is not met, then permits for the species dependent on the riparian vegetation would not be issued. This provides an opportunity for the jurisdictions to gain coverage for the affected species as long as the water levels can be maintained per the criterion. Gene Kulesza asked whether it is possible to provide a range rather than a specific water level. LaPre noted that a specific water level figure is needed to serve as a readily identifiable threshold. Alan Pickard indicated that the water level is simply a sign that there may be a problem, but the health of the riparian vegetation itself is what needs to be monitored. LaPre indicated that monitoring would need to be established in order to determine whether the groundwater levels are sufficient.

Laurie Lile asked about the connectivity of areas along the river. Becky Jones noted that agricultural pumping and barriers to groundwater such as earthquake faults can affect the areas along the river differently. Alan Pickard noted that if incidental take permits are issued for the birds and part of the conservation area goes away, then permit coverage would be lost.

Chuck Bell inquired about the status of the California Department of Fish and Game (CDFG) plan that was funded along the river. Darrell Wong indicated that the plan is nearing completion, and that it focuses on removing salt cedar, acquiring water rights, etc., all of which will benefit the riparian zone. Bell asked whether this plan could be incorporated into the West Mojave Plan by reference. Pickard responded that the take permits will be issued based on the West Mojave Plan alone, and that the take permit cannot rely on adjudication. Pickard further stated that mitigation used for other projects cannot be used as mitigation for future take in the West Mojave Plan.

Gerry Hillier asked what CDFG would do if take permits are issued for riparian dependent species and then at a later point in time the water level drops. Pickard indicated that the permit for the riparian dependent species would cease and any proposed project affecting those species would require an individual permit directly through CDFG; that is, the West Mojave Plan's programmatic permit would no longer apply; permits would have to be obtained on a case-by-case basis. Darrell Wong added that a permit cannot be granted if it would result in jeopardy to the species. It was noted that this would affect future projects, not projects for which a permit had already be granted.

LaPre noted that there are other ways of measuring habitat health such as the Leaf Area Index, which measures the amount of leaves covering the sky when you look up. With this index, if trees are dying, there is a measurable quantity. Alan Pickard indicated he would support this type of measurement since the focus is on the habitat.

Marie Brashear asked that the total acreage of affected private and public lands be quantified in the document.

Pickard stated that an act of nature, such as a flood, would be considered a natural event and would not affect coverage of species.

Randy Scott asked for a definition of the conservation area. LaPre responded that a conservation area is not being proposed for the riparian woodland. The Mojave River bioregion consists of the river bottom and ½ mile on either side of the river.

Randy Scott expressed concern that the agencies involved in the plan do not have the ability to provide the water needed for conservation of the riparian area. Scott indicated that the cost of buying water rights from existing users needs to be considered in the context of the other costs of the plan for conservation of the desert tortoise and other species. Scott recommended that a special strategy area be established which would be addressed when the CDFG planning effort is completed and the adjudication is finalized, and added that a solution may be clearer at that time. Becky Jones agreed with Scott, and indicated that growth in the region will impact the river. Alan Pickard stated that he feels the local jurisdictions can do something to affect this issue, and that there is a nexus between development and water levels in the river. Chuck Bell questioned whether the West Mojave Plan could be successful if it tries to reach out into areas over which the participants have no control.

Staff was asked why a conservation area for the riparian habitat was not developed. Bill Haigh responded that staff did not want to artificially depress land values in the area. Haigh asked whether the local jurisdictions want to pursue coverage for the riparian dependent species or not since it is primarily a private land issue. Randy Scott responded that he would need to discuss this with other county representatives. He was not confident that the proposal can effect meaningful conservation. Scott noted that there are other efforts outside the plan between CDFG and Mojave Water Agency that do affect the habitat.

Marie Brashear asked what the BLM issue is in relation to the Mojave River. Haigh indicated that the stipulated agreement between BLM and the Center for Biological Diversity requires that a determination be made as to whether or not the Mojave River is eligible for designation as a wild and scenic river. Larry LaPre added that this determination can be done for segments of the river - it doesn't have to be applied the river as a whole. Jeri Ferguson noted that a wild and scenic river designation has to be approved by Congress.

Darrell Wong indicated that if the group decides to pursue coverage for riparian dependent species, then he feels that more than five wells should be monitored for the sake of accuracy.

Bill Haigh asked whether there are other discussion points for the Mojave River Bioregion. The following issues were raised and discussed:

- **Statutes and Regulations**

Larry LaPre indicated that staff's original proposal was to protect species by relying on existing laws and permits as implemented by CDFG and the Army Corps of Engineers. CDFG, however, indicated that if take permits were to be issued the plan should address water availability and show what could be done to fully mitigate take. Randy Scott indicated that the background information discussion could describe baseline conditions. Doing this would set the stage for a demonstration that we cannot rely on existing management for take permits. Alan Pickard indicated that master Section 1600 permits could be issued up front if the river is included as part of the Plan.

The group then discussed the relationship of between existing biological opinions and the West Mojave Plan. LaPre indicated that they would be incorporated into the Plan. Jeri Ferguson and Marie Brashear asked staff to consider reprinting the biological opinions as Plan attachments or as an appendix. Bob Sackett asked that reference to the Dual Sport biological opinion be corrected to state "dual sport event" rather than "race." Ferguson asked what the time frame would be for biological opinions adopted with the Plan. Would they expire as noted in some current biological opinions, or would they be extended for the life of the West Mojave Plan? Gerry Hillier indicated that he understood the Plan would extend the biological opinions for the life of the Plan, and felt this would provide continuity. Haigh noted that this is a good policy issue, and indicated that he would bring it back to the group at the April meeting for final resolution. For the April discussion, Haigh will also add a discussion on the biological opinions and their relation to the CBD settlement.

- **Mojave Fringe-toed Lizard and River Management**

Larry LaPre noted that there are studies on the fringe-toed lizard from the 1960's and 70's, and that the military is currently conducting studies. A large data gap exists for the 80's and 90's. The distribution of the species is based on the Mojave and Amaragosa Rivers. The lizard's sand dune habitat is created by sand that blows off of the rivers and Pleistocene lakes. LaPre is proposing fringe-toed lizard conservation areas along the Mojave River where blow sand exists on public lands.

Chuck Bell asked about the relation between the lizard and dwindling mesquite. LaPre responded that the lizard seems to survive whether the mesquite is alive or not. While the lizard likes shade, they remain even if the mesquite is dead.

LaPre described sand transport in the Mojave River and indicated that he believes that the Mojave River is still an active system for transport of sand.

LaPre noted that the fringe-toed lizard is not listed, but is a Species of Special Concern for CDFG. It is currently pretty well protected, but if it were to become listed, the measures necessary for recovery could be very onerous as the blow sand source would also need to be protected. Protection of the sand source is a major issue facing the Coachella Valley

fringe-toed lizard. LaPre stated that there is some research (DNA sequencing) that suggests that there may be genetically unique populations (Ibex Dunes; Alvord Mountain Slope south of Ft. Irwin).

Chuck Bell asked whether the sand source would be increased if there was more fallow agriculture. LaPre responded that this might help and added that the Coachella Valley is looking at whether channelizing drainages helps or hurts. Channelizing may help move sand downstream at a faster rate, thus helping deposition adjacent to the occupied habitat.

Ileene Anderson asked if thought had been given to purchasing private lands in order to make the conservation area less fragmented. LaPre indicated this had been considered, but he noted the difficulty of connecting the conservation area through Barstow due to existing development. LaPre noted that there is considerable agriculture next to the river, and suitable sand habitat was hard to locate on private land. Alan Pickard stressed that to protect a species you must keep in mind the processes that maintain the habitat. Randy Scott noted that since normal flooding will preclude construction in the river on private land, this area might help provide the linkage between conservation areas. LaPre observed that the sand in the river may not be the right size to support the lizard.

Tim Read asked what actions would be needed to manage the conservation area. LaPre responded that most of the management problems relate to the urban interface. The Mojave Road could remain, but off highway vehicle use on the sand dunes would be prohibited.

Alan Pickard asked whether the conservation area is sufficient to cover the anticipated take of the species. LaPre responded that although the numbers have not been calculated, he believes the take is balanced by the proposed mitigation. LaPre added that protecting the fringe-toed lizard areas in Los Angeles County would be a very significant mitigation measure. LaPre noted that fringe-toed lizards eventually disappear in urbanized areas from predation (cats, American kestrels, etc.). Ileene Anderson expressed concern that there may not be equitable distribution of take and conservation. Anderson is concerned that a certain genotype may be wiped out as a result.

Gerry Hillier asked what authority exists to issue take permits for unlisted species. Becky Jones responded that CDFG is currently issuing Section 2081 incidental take permits for unlisted species. Alan Pickard added that CDFG is trying to get away from using 2081 permits in this way, and indicated that this approach is clearly authorized for Natural Community Conservation Plans but not by Section 2081. In response to a question as to whether recovered species would be removed from coverage, Pickard responded that species that are "on the edge" should remain covered, as it is more likely that things will get worse.

Bill Haigh asked if there is agreement to seek coverage for this species. Randy Scott

indicated that since the conservation focus is on public lands, and there does not appear at this point to be major issues for County Flood Control, he does not see a big conflict. LaPre added that most of the private land issues are in Los Angeles County, but potential habitat in that county is already within a proposed Significant Ecological Area. Tim Read indicated that from a BLM management perspective, the areas below Manix and Afton Canyon are reasonable to manage, however, he is concerned about the difficulty of properly managing proposed conservation areas that are surrounded by agriculture and urbanization. LaPre agreed that the conservation areas proposed near Lenwood and Hinkley may not be worthwhile due to the urban/agriculture interface issues.

- **Bats**

At the March 6, 2002 task group 1 meeting, questions were raised regarding management strategies for bats. Darrell Wong had agreed to return with answers. He discussed these concerns with CDFG bat experts. The biologists indicated that most of the issues involve the California leaf-nosed bat and Townsend's big-eared bat. These species occur in very limited areas and should be dealt with on a case by case basis. LaPre noted that there are eighteen significant roost sites in the West Mojave for all species of bats. Of these, only four are not on military land. There are two leaf-nosed bat roosts at the Joshua Tree National Park boundary. LaPre thinks that BLM staff could visit these roosts with Cal 4-Wheel Drive (Jeri Ferguson), look at the access and install protective gates. LaPre noted that over time new significant roosts may be found which would impact routes within three to five miles of those roosts. Jeri Ferguson indicated that the known bat sites should be visited and considered on a case by case basis. LaPre noted that he will change the wording to reflect that routes would not be automatically closed, but rather would be reviewed on a case by case basis when located by a survey.

Debbie Stevens asked what impact people have on bats since they seem to congregate in areas where people are, such as under freeways. LaPre responded that there are known abandonments of roost sites due to human intrusion; as for the big roost under the I-15 crossing of the Mojave River, it is not subject to direct human intrusion, just traffic noise. Townsend's big-eared bat has almost zero tolerance for human activity. It was noted that there are many species of bats in the Mojave Desert that are not endangered.

Darrell Wong said that the bat specialists felt that there is good evidence bats use abandoned buildings, and that these buildings can be very important for a number of different bat species. Paul Condon stated that in most cases the removal of a building does not require a demolition permit if a follow-on project is not proposed. Wong noted that the issue is not the removal of an abandoned building, rather it is important that actions be taken to keep the bats from being harmed when the building is demolished. Condon indicated that there is no way for the local jurisdictions to control this without instituting a new permitting process. Wong indicated CDFG would not require a new law to be passed. Randy Scott suggested that the survey provision be applied to discretionary permits only, and noted that the jurisdictions would not want to expand the demolition

permit process. Scott added that criteria and guidelines need to be established on what to do when a roost may exist. Jeri Ferguson indicated definitions need to be developed for the terms associated with bat management (e.g. abandoned building). Randy Scott indicated he would discuss criteria and standards for this with Lorelei Oviatt and asked for assistance from CDFG.

Ileene Anderson asked whether the four bat roosts not on military lands are sufficient for a conservation strategy. LaPre indicated that since there is little existing survey data on bats, CDFG felt that surveying and protecting roosts that are found is the best way to go. Alan Pickard agreed with this. LaPre indicated that bats are most vulnerable when together in maternity roosts. Randy Scott asked for clarification as to whether surveys need to be done on abandoned buildings everywhere or in certain areas. LaPre indicated he may be able to narrow down the area requiring surveys.

- **Plants**

Ileene Anderson was concerned that there is no management proposed for Mojave tarplant in this bioregion. Anderson indicated that while it has not been recently seen in this area, it may be found at a later date. LaPre acknowledged that there are historic records from the 30's or 50's at the Mojave Forks Dam. LaPre consulted with Andy Sanders who indicated that the plant is likely extirpated from this area. Anderson would like to see this plant considered in the adaptive management strategy.

- **Southwestern Pond Turtle**

Ileene Anderson indicated that Mike Connor wants it stated for the record that he sees no real strategy included for the Southwestern pond turtle. Tim Read indicated that 27 pond turtles were found last year at Afton Canyon.

- **Species List**

Becky Jones noted that the following species need to be added to the species list for this bioregion: Mojave fringe-toed lizard, Mohave ground squirrel, and bats.

Next Meeting

The next meeting for Task Group 1 will be held on Tuesday, April 16, 2002 at 9:30 AM at the Green Tree Inn in Victorville. The main agenda items will include clean-up of tortoise issues and the Rand Mountains.

The Supergroup meeting will be held on Tuesday, April 30, 2002 at 9:30 AM at the Green Tree Inn in Victorville.

The BLM District Advisory Meeting to review the West Mojave Plan has tentatively been set for Saturday, May 18, 2002.

Randy Scott asked that the agenda for the April 16th meeting include a discussion on the Mojave monkeyflower conservation area. Alan Pickard asked Scott when the county will indicate a position on the Mojave River riparian conservation measures. Scott indicated he would try to have a response by the April 16th meeting. Bill Haigh and Becky Jones will also check with area cities on this issue.